



DEPARTMENT OF THE NAVY

OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720

Ser DNS-36JP/14U106325

26 Sep 14

Mr. J. Randall Farmer



Dear Mr. Farmer:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUEST;
FOIA CASE NUMBER NHHHC 2012F030057;
FOIA TRACKING NUMBER DON-NAVY-2012-000112

This is in reference to your Freedom of Information Act (FOIA) request dated March 13, 2012, originally addressed to Naval Historical and Heritage Command. Your request was received by the NHHHC FOIA office on the same day. We are responding on behalf of Naval Historical and Heritage Command.

As of February 1, 2014, DON joined FOIAonline as a participating agency. As a result of this transition, the tracking number of your FOIA request has been changed to DON-NAVY-2012-000112.

We contacted two offices who might hold responsive records: Director, Undersea Warfare (OPNAV N97) and Naval Historical and Heritage Command (NHHHC). OPNAV N97 located copies of letters from Mr. Rule dated April 3, 2009 and June 30, 2009, which are released to you in their entirety. NHHHC facilities are currently undergoing a major overhaul, rendering significant portions of their archives temporarily inaccessible. Therefore, NHHHC is temporarily unable to conduct the requested search.

Please be advised that, contrary to Mr. Rule's recommendation, there does not appear to be any indication that the letters in question qualify as "agency records" under the FOIA, as they appear to have been provided unsolicited, and there is no indication that DON personnel have integrated these letters into DON records systems, or relied upon them in the conduct of official business.

If you are not satisfied with this action, under 32 CFR §701.12(a), you may appeal the denial of your request by writing to:

Office of the Judge Advocate General
1322 Patterson Ave, SE, Ste 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be received within sixty calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this initial decision to be in error.

Questions regarding the action this office has taken during the initial processing of your request may be directed to our FOIA service center at (202) 685-0412.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robin Patterson", with a long horizontal flourish extending to the right.

Robin Patterson
Head, DON FOIA/PA Program Office